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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,504	09/25/2003	Kobayashi Shozo	1594.1281	4576

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EXAMINER

WALBERG, TERESA J

ART UNIT PAPER NUMBER

3742

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,504

Applicant(s)

SHOZO ET AL.

Examiner

Teresa J. Walberg

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,14-18, and 21-31 is/are rejected.
- 7) ☒ Claim(s) 3,13,19,20 and 32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second electrodes being arch shaped as required by claims 4 and 21 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 4 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 4 and 21 require that the first and second electrodes be arch shaped, but the specification does not explain what sort of arch shape is used or how these arches are arranged with respect to the conductive film. Since the structure needed for claims 4 and 21 cannot be determined, these claims have not been examined on the merits at this time.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 14, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheidler et al (2,683,795).

With respect to claim 1, Sheidler discloses a cooking apparatus (Figs. 1 and 3) having a cooking cavity (11), at least one pair of support rails (31) included at both side walls (7 and 8) of the cooking cavity (11), a tray (30) on which food is placed, a heater (36) to directly heat the tray (30) to cook the food by activation of the heater (36), having a pair of terminals (37, see fig. 2), and at least one socket (39) included at a rear wall (3) of the cooking cavity (11) allowing electric power to be supplied to the heater (36) when connected to the terminals (37).

With respect to claim 14, Sheidler discloses a cooking apparatus having a substantially rectangular cooking space (11, see Figs. 1 and 3), a heating element (36, see Fig. 2), having a pair of terminals (37), a heating system including a socket (39) at a certain position within the cooking space (see 39, in Fig. 1) corresponding to a desired cooking position, the socket (39) cooperable with the pair of terminals (37) to provide power to the heating element (36) and a support system (31) which supports the heating element (36) in a position corresponding to the position of the socket (39).

With respect to claim 27, note the plurality of support rails (31) vertically spaced from one another by a distance as shown in Fig. 3 of Sheidler.

With respect to claim 28, note the plurality of sockets (39), with the positions of the sockets corresponding to vertical position of the support rails (32) as shown in Figs 1 and 3.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 5, 6, 9, 12, 15-18, 22-25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheidler et al. (2,683,795) in view of Salton (2,976,386).

Sheidler discloses a cooking apparatus as discussed above having the claimed structure, but does not show the heater being a film type heater with a conductive film coated on the lower surface of the tray and having first and second opposing electrodes.

Salton discloses a film type heater (14) coated on the lower surface of a tray (12), first and second opposing electrodes (40, in fig. 5).

It would have been obvious in view of Salton to use a coated film type heater with opposing electrodes in place of coil type heaters to heat the tray of Sheidler, the motivation being to provide more even heating and prevent hot spots.

8. Claims 10, 11, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheidler et al in view of Salton as applied to claims 2, 5, 6, 9, 12, 15-18, 22-25, and 31 above, and further in view of Christiansson (3,548,154).

Sheidler in view of Salton disclose all the structure claimed except an upper heater fixed to an upper portion of the rear wall and micro switches to control electric current supplied to the heater sockets.

Christiansson discloses the use of a heating chamber (15) with an upper heater (26) fixed to an upper portion (18) of the rear wall (20) and micro switches to control electric current supplied to the heater sockets (see col. 4, lines 6-16).

It would have been obvious in view of Christiansson to use an upper heater with the heating chamber of Sheidler in view of Salton, the motivation being to enable heating the food from above and below, and to provide micro switches to control the sockets, the motivation being to improve the safety of the device by cutting off the power to sockets that are not being used.

9. Claims 7, 8, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheidler et al in view of Salton as applied to claims 2, 5, 6, 9, 12, 15-18, 22-25, and 31 above, and further in view of Torning (4,517,446).

Sheidler et al in view of Salton shows all the structure claimed except and insulating sheath around the terminals and a sealing material to prevent moisture from entering the heater.

Torning shows a heating tray having an insulating sheath (44) around the terminals and having a sealing material (col. 4, lines 31-33) to prevent moisture leakage.

It would have been obvious in view of Torning to provide an insulating sheath around the terminals and a sealing material to prevent moisture leakage in the heating tray of Sheidler in view of Salton, the motivation being to prevent moisture damage to the heater.

10. Claims 3, 13, 19, 20, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

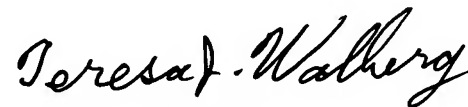
11. The following is a statement of reasons for the indication of allowable subject matter: with respect to claims 3, 19, and 20, the prior art does not disclose heated trays having first and second electrodes that are each divided at a center portion and that are connected with a conductive wire therebetween. With respect to claims 13 and 32, the prior art does not disclose a heating chamber holding heated trays having stepped portions, grill plates, and a water holding portion for steam cooking of food.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa J. Walberg whose telephone number is 703-308-1327. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tjw



Teresa J. Walberg
Primary Examiner
Art Unit 3742